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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,668	09/01/2005	Graham Foster	13058N/050417	1843
32885 7590 04/07/2011 STITES & HARBISON PLLC 401 COMMERCE STREET SUITE 800 NASHVILLE, TN 37219				
EXAMINER YABUT, DANIEL D				
ART UNIT 3656		PAPER NUMBER		
NOTIFICATION DATE 04/07/2011		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary**Application No.**

10/531,668

Applicant(s)

FOSTER ET AL.

Examiner

DANIEL YABUT

Art Unit

3656

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings are objected to because the sectional views of Figures 2, 3 and 9 must use hatching in accordance with 37 CFR 1.84 to indicate section portions of an object. See MPEP 608.02. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 22-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wieltisch (German Patent DE2261933) in view of Jones (EP 1026411 A2).

Wieltisch discloses an anchoring device (Fig. 1) for anchoring an elongate member (2, 3; 15th paragraph in translation) to a fixed member (Fig. 4) having a slot leading to an edge thereof (at 14; Fig. 4), comprising a(n):

Re claim 22

- Elongate member passes through the slot (see at 5 in Fig. 1)
- Sleeve (4) which is fixable coaxially around said elongate member (Fig. 1) and which is provided with a peripheral groove (see groove between shoulders 6 and 7 in Fig. 1) that has an axial length is sufficient to accommodate the thickness of the fixed member at said slot and has an outer dimension being less than the inner dimension of the slot (see in Fig. 1)
- Collar member (12) which is carried by, and axially moveable along, said sleeve (13th full paragraph in English translation), said collar member having a leading edge (at 13) which extends into said groove and engages the slot when the anchoring device is located within said slot, the collar member being arranged such that the leading edge thereof can be withdrawn from the groove by moving the collar member along the sleeve in an axial direction away from the slot (14th paragraph in English translation)
- Anchoring device further comprising two opposed shoulders (6, 7) that define the peripheral groove (near 6, 7 in Fig. 1), the opposed shoulders having a fixed axial distance between each other that remains fixed when the collar is moved along the sleeve in an axial direction

However, Wieltch does not expressly disclose the leading edge engaging the edge of the slot when the anchoring device is located within the slot.

Jones teaches the use of a leading edge (near 14; Fig. I) engaging an edge of a slot (para. [0012] / L1-5; Fig. IV) when an anchoring device (1) is located within the slot for the purpose of providing a device that does not require accurate centering within the slot before reliable anchoring can take place, thus promoting ease of assembly (para. [0005] / L 7-10).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the leading edge of Wieltch such that the leading edge engages the edge of the slot when the anchoring device is located within the slot, as taught by Jones, for the purpose of providing a device that does not require accurate centering within the slot before reliable anchoring can take place, thus promoting ease of assembly.

Wieltch as modified above further discloses the following:

Re claim 23

- Anchoring device being located within said slot (Fig. 1), the leading edge of said collar member substantially fills the gap between the groove and the slot (at 13; Fig. 1), said gap being created by the difference in their respective dimensions.

Re claims 24 and 32

- Collar member is substantially cylindrical and said leading edge is substantially circular (para. [0011] / L1; Jones)

Re claim 25 and 33

- Slot is generally U-shaped (near 14; Fig. 4) and includes a narrowed neck portion (at 14), beneath which said leading edge of the collar member is engaged when said anchoring device is located within said slot (Fig. IV; Jones)

Re claim 26, 34, and 35

- Leading edge includes a chamfer (see chamfer near numeral 12 in Fig. IV).

Re claim 27

- Fixed member includes at least one chamfer (see at opening of slot in Fig. 4) at the open edge thereof
- Fixed member chamfer operates to push the leading edge of the collar out of the groove and away from the fixed member (upon installation, leading edge will abut plate and thus be pushed away from the fixed member; Fig. 4)

Re claim 28

- Collar member is spring biased (11) in the direction of the fixed member (13th paragraph in translation)
- When the anchoring device is fully located within the slot, the leading edge of the collar member automatically extends into the groove (Fig. 1)

Re claim 29

- Collar member is manually retractable against the spring force to withdraw the leading edge thereof from the groove, and enable the anchoring device to be withdrawn from the slot (13th and 14th paragraphs in translation).

Re claim 30 and 36

- Load bearing ring (at 7; Fig. 1) surrounding at least a portion of said collar member (see load bearing ring at 7 circumferentially surrounding collar member 12).

Re claim 31

- Spring located underneath said collar member (at 11 in Fig. 1) and retained in compression by a cap member (8).

Response to Arguments

Applicant's arguments with respect to claims 22-36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL YABUT whose telephone number is (571)270-5526. The examiner can normally be reached on Monday through Friday from 9:00 A.M. to 5:00 P.M. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard W. Ridley can be reached on (571)272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DANIEL YABUT/
Examiner, Art Unit 3656
4/1/2011

/Richard WL Ridley/
Supervisory Patent Examiner, Art Unit 3656